JFK Assassination in a New Light

By Michael Dorman
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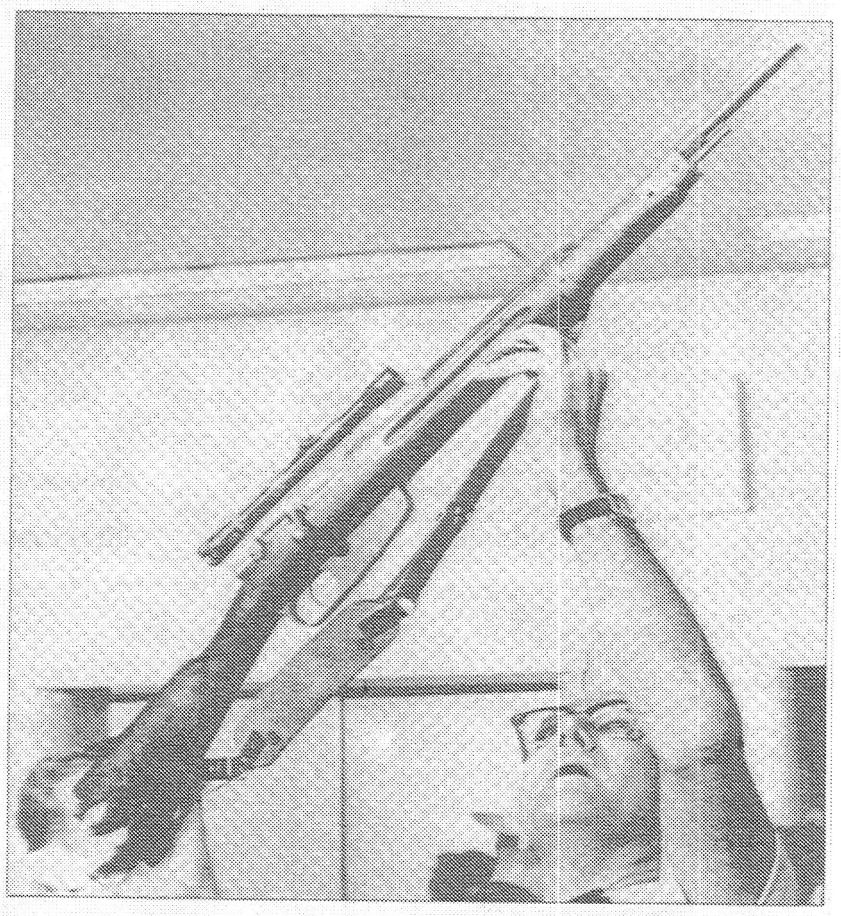
In a handsome Washington meeting room adorned with Waterford crystal chandeliers, oriental rugs and rare antiques — a room where the Warren Commission first convened — a new federal agency has launched what may well be the last extensive government inquiry resulting from John F. Kennedy's assassination.

The agency, whose existence and mission are almost unknown to the public, is called the Assassination Records Review Board. Its chief assignment is to examine the millions of government documents available on the assassination, then decide which may be released to the public and which should legitimately be kept secret for national-security reasons.

All five board members, appointed by President Bill Clinton, agree that they do not expect to find any "smoking gun" among the documents. But, if they do uncover any significant new evidence, they will forward it to Clinton with the expectation that he will alert federal investigative agencies.

Board member William Joyce, a Princeton University librarian for rare books and documents, said at least one surprising discovery has already been made. It was always understood, he said, that there was only one set of the secret Kennedy autopsy photos in existence. "But now we've been told that there is a second set," Joyce said. "We don't know what happened to it, but we're trying to find out." Neither is it known how the second set, apparently made from the original negatives, came into existence, nor whether it differs in any way from the first. How much the public will be told about these photos is an open question. The original set of pictures and other autopsy records were donated to the National Archives by the Kennedy family subject to strict limitations on who could have access to them.

The board has been able to get its hands, however, on other recently discovered material. Only weeks ago, for example, postal officials found and forwarded to the board a long-missing collection of files on the investigation of Lee Harvey Oswald's purchase of the 6.5-mm. Mannlicher-Carcano rifle that killed Kennedy. Postal inspectors ori-



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In 1963, Dallas police Det. J.C. Day inspects rifle used to kill Kennedy

Clinton voiced no such objections, but failed to appoint the board members until almost a year after taking office. After the appointments were confirmed by the Senate, it was not until April 11 that Supreme Court Justice Ruth Bader Ginsburg swore the board members into office. In addition to William Joyce, they are Chief Minnesota Deputy Attorney General John Tunheim; University of Oklahoma Dean Kermit Hall; Columbia University History Professor Emeritus Henry Graff; and American University History Professor Anna Nelson.

The next day, the board's first meeting took place in the Archivist's Reception Room at the National Archives — the room where the Warren Commission initially gathered. Tunheim was elected board chairman. "Since so much time has passed since Congress passed the law establishing the board — and since the law gave the board two years to complete its work — there's just six months left now and we're barely getting started," Tunheim said in an interview. "I anticipate we'll ask Congress for an extension giving us two full years and an option for a third year."

Still, federal agencies have already begun forwarding assassination documents to the archives. "I'm told the FBI is being very open," William Joyce said. "It has ninety people at work screening the documents."

But the CIA, he said, has not been quite so eager to cooperate — grudgingly agreeing, after initial delays, to deliver a big shipment of documents by an established deadline. The deadline, as it happened, fell on a Sunday — when the archives are normally closed. Two huge tractor-trailers pulled up to the archives and unloaded hundreds of thousands of documents — all packed in plain, unmarked crates." The archives brought employees in on Sunday to accept them.

All decisions made by the review board on whether to release documents are subject to review by the president. He has sole discretion, on whether to overturn a board decision. But, if he does not concur with a board decision, he must provide a written justification for his action.

Under the law, the review board is to operate on a budget of $2.4 million a year enough to hire a staff of about 40. But Congress has not yet appropriated any of this money, and the board is functioning temporarily on $250,000 allocated by Clinton from White House funds.

Historian and board member Henry Graff said: "We're not looking for the true assassin. That's not our job. Our mission is to open the records. And we're not designed or inclined to hide anything."

ginally investigated the purchase because it was made by mail order — with Oswald using one of his aliases, "A. Hidell." The weapon, costing $21.45, was mailed to a Dallas post office box. Postal inspectors determined that Oswald had rented the box and that his handwriting was on the mail-order form. The postal inspectors' files were available to the Warren Commission, but later were somehow mislaid and were not found until their recent discovery.

Over the years, those arguing that a conspiracy was responsible for Kennedy's assassination have contended that the sealed government records might shed light on such questions as whether Oswald ever served as a U.S. intelligence agent; whether the Soviet Union, Cuba, organized crime or federal agencies were involved in the murder; whether more than one gunman fired at the presidential motorcade in Dallas Nov. 22, 1963, and whether Jack Ruby, who murdered Oswald, acted as part of a conspiracy.

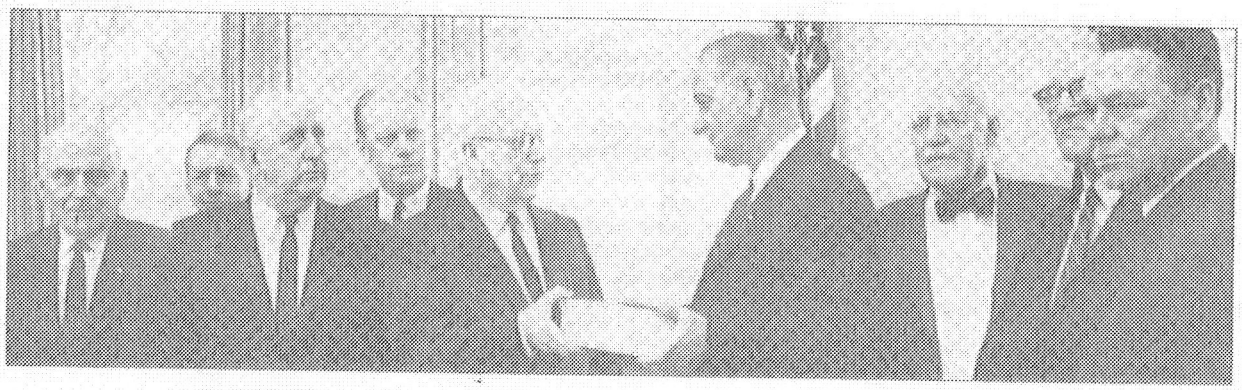
Curiously, the Assassination Records Review Board — intended to bring to light the documented facts of the Kennedy murder — owes its existence in part to the Oliver Stone movie, "JFK," often accused of ignoring the facts in favor of speculation and outright fiction. In the furor created by the movie's 1991 release, there were repeated demands for Congress to "do something" about the film's claim that Kennedy had been killed as the result of a conspiracy. These demands and others coalesced in a campaign to force release of the assassination documents still held in secrecy by government agencies.

In response to the clamor, Congress passed a law called the President John F. Kennedy Assassination Records Collection Act of 1992. The law provided for establishment of the review board and directed the board to collect in the National Archives all government documents related to the assassination — not only those in the hands of the federal government but state and local governments as well. Moreover, it called upon the State Department to seek disclosure of all Russian government records on Oswald's 1959-1962 stay in the former Soviet Union and on all other matters connected to the assassination.

The law gives the board sweeping, quasi-judicial authority to conduct public hearings, subpoena witnesses and documents, take sworn testimony and provide some witnesses immunity from prosecution. It provides for prompt release of assassination documents unless the board determines they qualify for exemption on one of three grounds: that they will publicly unmask an intelligence agent whose identity needs protection, that they will reveal government intelligence sources or methods, or that they will disclose military, intelligence or foreign-policy secrets that will threaten national security.

One provision of the law, however, caused problems — delaying the review board from beginning its work. That provision stipulated the president should nominate review-board members "recommended by the American Historical Association, the Organization of American Historians, the Society of American Archivists and the American Bar Association."

President George Bush objected to the congressional requirement for such recommendations, complaining that they intruded on presidential prerogatives and violated the Constitution's separation-of-powers provisions. Thus, he refused to appoint any members to the board.



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Chief Justice Earl Warren delivers the Warren Commission report to President Lyndon Johnson in 1964